

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT
OF TRANSPORTATION, and
SOUTHGATE DEVELOPMENT CO.,

Defendants.

CASE NO. C05-5447RJB

ORDER DENYING UNITED
STATES' MOTION FOR LEAVE
TO FILE OVERLENGTH BRIEF
IN SUPPORT OF MOTION TO
ENTER CONSENT DECREE

This matter comes before the Court on the United States' Motion for Leave to File Overlength Brief in Support of Motion to Enter Consent Decree (Dkt. 212). The Court has considered the motion and the remainder of the file herein.

I. BACKGROUND AND DISCUSSION

On April 25, 2007, the Court re-noted the plaintiff's motion for entry of the consent decree between Southgate Development, Co. and the United States to allow the parties to supplement their briefing in response to issues addressed by the Court. Dkt. 200. The Court established a briefing schedule whereby the plaintiff would file a supplemental brief, the Washington Department of Transportation ("WSDOT") would file a response brief, and the plaintiff would file a reply. *Id.* at 17. The WSDOT's response is ten pages long. Dkt. 211.

The plaintiff now moves for leave to file an overlength reply brief pursuant to Local Rule

CR 7(f), which provides as follows:

Motions seeking approval to file an over-length motion or brief are disfavored but may be filed subject to the following:

(1) The motion shall be filed at least three judicial days before the underlying motion or brief is due, and shall be noted for consideration for the day on which it is filed, pursuant to CR 7(d)(1).

(2) The motion shall be no more than two pages in length and shall request a specific number of additional pages.

(3) No opposition to the motion shall be filed unless requested by the court.

(4) If the court grants leave to file an over-length motion, the brief in opposition will automatically be allowed an equal number of additional pages. ***In all cases, the reply brief shall not exceed one-half the total length of the brief filed in opposition.***

Local Rule CR 7(f) (emphasis added). The plaintiff acknowledges that the motion is untimely under Local Rule CR 7(f)(1). Dkt. 212 at 2.

The plaintiff's brief constitutes a reply brief and exceeds one-half the total length of the WSDOT's opposition brief. Pursuant to Local Rule CR 7(f)(4), the Court should deny the plaintiff's motion. The plaintiff's reply brief, filed as an attachment to the motion, will remain in the file with no force or effect. The plaintiff may file a reply brief not exceeding five pages on or before June 19, 2007.

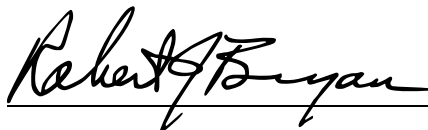
II. ORDER

Therefore, it is hereby

ORDERED that the United States' Motion for Leave to File Overlength Brief in Support of Motion to Enter Consent Decree (Dkt. 212) is **DENIED** as provided herein.

The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel of record and to any party appearing pro se at said party's last known address.

DATED this 18th day of June, 2007.



ROBERT J. BRYAN
United States District Judge